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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

K.C., by and through Erica C., her guardian, et al.,

Plaintiffs,

vs.

JACK O'CONNELL, in his official capacity as
 Superintendent of Public Schools For the State of
 California, et al.,

Defendants.

Case No. C-05-4077 MMC

**STIPULATION VACATING HEARING
DATE**

Honorable Maxine M. Chesney

1 WHEREAS the parties to the above-captioned action ("Action") have agreed to participate in
2 voluntary mediation in a good faith effort to achieve an informal resolution of the Action; and

3 WHEREAS Defendants have requested that the hearing of Plaintiffs' motion for preliminary
4 injunction, originally noticed for December 9, 2005, be vacated so that Defendants will not be placed
5 in the position of having to prepare and file opposition papers before the mediation or, in the event
6 the mediation is unsuccessful, to accommodate previously scheduled vacations of Defendants'
7 counsel; and

8 WHEREAS Plaintiffs have consented to Defendants' request in the interest of maximizing
9 the possibility of an informal settlement of this dispute and as a professional courtesy to Defendants'
10 counsel:

11 NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and between the
12 parties to this action, by and through their respective undersigned counsel, as follows:

13 1. Defendants hereby agree that they will not assert the delay of the hearing pursuant
14 hereto in any way as a ground for opposition to Plaintiffs' motion for preliminary injunction.

15 2. The hearing on plaintiffs' Motion for Preliminary Injunction, currently set for
16 December 9, 2005, may be VACATED and a new hearing date may be set for Friday January 27,
17 2006 or as soon thereafter as the matter can be heard.

18 DATED: November 21, 2005

19 REED SMITH LLP

20 By _____ /s/
21 James M. Wood
22 Attorneys for Plaintiffs

23 and

24 DISABILITY RIGHTS EDUCATION AND
25 DEFENSE FUND, INC.
26 Arlene Mayerson
27 Larisa Cummings
28 Attorneys for Plaintiffs

1 DATED: November 21, 2005

2 CALIFORNIA STATE DEPARTMENT OF
3 EDUCATION

4 By _____ /s/
5 Allan H. Keown
6 Gabriel C. Vivas
7 Marsha A. Bedwell
8 Michael E. Hersher
9 Defendants Jack O'Connell and California
10 Department of Education, the Board of Education,
11 and its members

12 DATED: November 21, 2005

13 EDRINGTON, SHIRMER & MURPHY

14 By _____ /s/
15 Peter P. Edrington
16 James Marzan
17 Attorneys for Defendants Douglas Gephart,
18 Fremont Unified School District, Board of Trustees
19 for the Fremont Unified School District and its
20 members

21 DATED: November 21, 2005

22 STUBBS & LEONE

23 By _____ /s/
24 Louis A. Leone, Esq.
25 Attorneys for Defendants San Ramon Valley
26 Unified School District and Robert Kessler, Board
27 of Trustees of San Ramon Valley Unified School
28 District and its members

Concurrence in the filing of this document has been obtained from each signatory.

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ORDER

Pursuant to Stipulation of the parties, it is the order of the Court that the hearing of Plaintiffs' Motion for Preliminary Injunction, currently set for December 9, 2005, be VACATED, and that the matter be heard on January 27, 2006 at 9:00 a.m.

IT IS SO ORDERED.

DATED: November 28, 2005.

By 
Hon. Maxine M. Chesney

Judge of the United States District Court

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